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FLEHR HOHBACH TEST

NO. 6932 P. 34

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: RODNEY M. SHIELDS

Examiner: W. WATKINS III

**Application/control: 09/267,025
(Reissue of USP 5,609,938)**

Art Unit: 1772

Filed: 11 March 1999

**For: IMAGE DISPLAY APPARATUS
WITH HOLES FOR OPPOSITE
SIDE VIEWING**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231-6002. 23 January 2002.

By: Todd V. Leone

Todd V. Leone

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF GREG ROSS

I Greg Ross state as follows:

1. I am President of Creative Minds Foundation, assignee of record herein.
2. I have read the within Amendment, the Affidavit of Linda Icard, and I am familiar with the history of prosecution that culminated in USP 5,609,938, the subject of the within reissue application.
3. I ratify the statements and arguments set forth in the accompanying Amendment.

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4. Off and on during the past several years, there have been times when business relations between Inventor Rodney Shields and myself appear to have soured. It is my opinion that if Rodney Shields received the various materials mailed to him by the law firm of Flehr Hohbach Test, referred to at ¶4(c) and ¶4(d) of the Amendment any refusal on his part to execute and return the documents is based upon ill feeling towards me. I make this statement based upon past business dealings with Mr. Shields. I note for the record that I do not know the present address or telephone number for Mr. Shields.

5. The first time I or Rodney Shields or, to the best of my knowledge, Mr. Luckman met with Linda Icard concerning the Shields invention was well after the application, serial no. 82,728, was filed with the USPTO on 23 June 1993. EXHIBITS 2 and 3, submitted herewith, were executed by or on behalf of Ms. Icard, and license fees were received from Ms. Icard or her company pursuant to EXHIBIT 3.

6. I find somewhat amusing Ms. Icard's statement at page 8, ¶6 of her Affidavit that "Messrs. Shields, Ross and Luckman were visibly disturbed" by "problems" supposedly recognized by Ms. Icard. As noted in the attached Amendment, these "problems" were in fact addressed in the Shields patent application filed on 23 June 1993, well before any meeting with Ms. Icard.

(a) For example, notwithstanding that the Shields's patent application indeed refers to "black" as a desired dark color, Ms. Icard apparently regards herself as the inventor of that concept. Although the Shields's patent application appears to be sufficient rebuttal to this notion, I note that my business records includes a 25 February 1993 FAX from Imagoimage Inc. to Arcor (a perforating company in Chicago) instructing Arcor how to perforate material, in which the FAX states in relevant part: "material is a black-backed, white fronted vinyl with

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adhesive and paper liner". If the Examiner so desires, a copy of this FAX can be provided.

(b) In her Affidavit at page 3, ¶12, Ms. Icard refers to a ImagoImage, Inc.'s use of screenprinting with the Shields invention. If the Examiner so requests, the undersigned can provide photographs of such ~~already-completed~~ screenprinting in which a logo ("Budweiser") was printed on a white side, where the panel had a black (not gray) layer, with through perforations, and was adhesively attached to the interior surface of a simulated window. The date on these samples is "6-14-93", which date appears to have been written in the handwriting of inventor Rodney Shields. Again, citation of such samples seems redundant to the language in Shields application serial no. 82,728, filed with the USPTO on 23 June 1993. In short, Ms. Icard's Affidavit statements to the effect that Messrs. Ross, Shields, Luckman were somehow dumbfounded or "disturbed" by any revelations from Ms. Icard that black might be a better color than gray, or that internal mounting of a perforated panel might be preferably to an external mounting are simply untrue.

(c) At various locations in her Affidavit, Ms. Icard makes reference to the "Old Joe" product. I am familiar with the "Old Joe" product and I state that the "Old Joe" product did not go beyond what was disclosed in the Shields patent application serial no. 82,728, filed with the USPTO on 23 June 1993.

(d) I further point out that in the Shields application serial no. 82,728, "protective cover" 12 may include a clear transparent, non-perforated material; see Fig. 1. Fig. 1 demonstrates that such a protective cover or layer 12 permits viewing of the image on panel 14. Thus Ms. Icard's Affidavit statements that the Shields's invention did not disclose use of non-perforated material, or did not disclose formation of an image after which perforation was carried out is simply untenable.

7. For the record I point out that Rodney Shields is inventor on three issued U.S. patents, all of which were assigned to Creative Minds Foundation: USP 5,773,110, USP 5,608,838, and USP 5,465,427. Further, I, Greg Ross, am inventor on three issued U.S. patents: USP 5,830,528, USP 5,525,177, and USP 5,311,834. I am informed by my patent attorney that a search of the USPTO database indicates that there are no U.S. patents in which Linda Icard is an inventor.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE 23 January 2002



Greg Ross
President, Creative Minds Foundation

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